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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130-RSL

DEFENDANT'S MOTION FOR LEAVE
TO AMEND ANSWER AND
AFFIRMATIVE DEFENSES

NOTE ON MOTION CALENDAR:
DEC. 20, 2019

I. MOTION

Defendant City of SeaTac hereby moves pursuant to Fed. R. Civ. P. 15(a)(2) for leave to amend its answer and affirmative defenses. A copy of defendant's proposed amended answer and affirmative defenses is attached at Appendix A. The pleading is formatted in accordance with LCR 15. A proposed order granting this motion is attached at Appendix B.

II. FACTUAL BACKGROUND

The plaintiff (herein "HOA") initiated this lawsuit in King County Superior Court on July 3, 2019. (Dkt. #1-2). Defendant (herein "City") removed the lawsuit to this Court

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2 on July 22, 2019, (Dkt. #1), and answered on July 23, 2019. (Dkt. #5). The City also filed a
3 motion to dismiss the complaint on September 26, 2019. (Dkt. #17).

4 In response to the City's motion to dismiss, the HOA filed a motion to amend its
5 complaint on October 14, 2019. (Dkt. #21). The City thereafter provided its written consent
6 for the HOA to file its proposed first amended complaint. (Dkt. #49-1). The parties filed a
7 stipulation to this effect. (Dkt. #30). The HOA filed its first amended complaint on October
8 21, 2019. (Dkt. #29).

9
10 On October 31, 2019, the City filed a Rule 12(b)(6) motion to dismiss the first
11 amended complaint. (Dkt. #36). The motion was set for hearing on November 22, 2019.
12 (*Id.*). The City also filed its answer and affirmative defenses on November 1, 2019. (Dkt.
13 37).
14

15 On November 22, 2019, the HOA moved to strike the affirmative defenses alleged
16 by the City. (Dkt. #42). The HOA contends that the City's affirmative defenses are
17 inadequately pled because the City has failed to provide "a factual or legal basis for [its]
18 defenses." (*Id.*, at 2). The HOA's motion is noted for hearing on December 13, 2019. (*Id.*).
19

20 The City previously advised the HOA that it may seek to amend its answer and
21 affirmative defenses after reviewing documents provided by the HOA in response to
22 discovery. (*See* Dkt. #45 at p. 63). On December 4, 2019, the HOA produced initial
23 discovery responses. (Dkt. #49, ¶ 4). Documents produced by the HOA in response to the
24 discovery were probative as to the City's affirmative defense of standing. (*Id.*).
25

26 The City has drafted a proposed amended answer and affirmative defenses. The
27 amendments clarify the factual and legal basis of the City's affirmative defenses. (Dkt. #49,
28

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¶ 4). The amendments address and resolve the HOA's criticism that the affirmative defenses as drafted do not give the HOA fair notice of the manner in which the City intends to defend this lawsuit.

Pursuant to Fed. R. Civ. P. 15(a), the City asked for the HOA's written consent to file the amended pleadings. (Dkt. #49-2). In an email communication dated December 4, 2019, the HOA's legal counsel indicated that it could not provide such written consent. (*Id.*).

The deadline for amending pleadings is June 10, 2020. (Dkt. #20). The HOA has not served discovery. (Dkt. #49, ¶ 6). No depositions have been set. (*Id.*). The discovery cutoff is August 9, 2020. (Dkt. #20).

III. ARGUMENT

When the time for amendment as a matter of course has expired, "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). "The standard for granting leave to amend is generous." *United States v. Corinthian Colleges*, 655 F.3d 984, 995 (9th Cir. 2011) (citation omitted). To determine whether amendment is appropriate, the Court considers five potential factors: (1) bad faith, (2) undue delay, (3) prejudice to the opposing party, (4) futility of amendment, and (5) whether there has been previous amendment. *Id.*

The Court should grant the City's motion for leave to amend its answer and affirmative defenses. The amendments are submitted in good faith for the purpose of clarifying the legal and factual basis of the City's affirmative defenses. (Dkt. #49, ¶ 4). The purpose of the amendment is to resolve concerns raised by the HOA that the affirmative

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2 defenses, as plead, do not provide it with fair notice of how the City intends to defend this
3 lawsuit. (*Id.*).

4 The City has not delayed the proposed amendments. Under the civil rules, the City
5 is not required to file an answer until after its pending motion to dismiss the HOA's first
6 amended complaint is resolved. Fed. R. Civ. P. 12(a)(4).
7

8 The City previously informed the HOA that it may seek to amend its affirmative
9 defenses after it has received responses to discovery. (Dkt. #45 at p. 63). Having now
10 reviewed documents provided by the HOA in response to discovery, the City is doing
11 precisely that.
12

13 There is no prejudice to the HOA. This lawsuit is only at the pleading stage, with a
14 Fed. R. Civ. P. 12(b)(6) motion to dismiss pending. The HOA has not served discovery and
15 the discovery cutoff is not until August 9, 2020. (Dkt. #20). As noted above, the City's
16 answer does not even become due until after the Court issues a decision on the pending
17 motion to dismiss. Fed. R. Civ. P. 12(a)(4).
18

19 The amendments are not futile. They raise substantive, and likely dispositive,
20 defenses to the HOA's claims in this lawsuit. Many of these defenses, and particularly those
21 relating to waiver, collateral estoppel, res judicata, and improper claim splitting are raised
22 either expressly or by implication in the pending motion to dismiss.

23 The HOA has not previously sought to amend its answers. When the HOA
24 previously requested to amend its complaint, the City provided its written consent. (Dkt.
25 #49-1). Under these circumstances, the City should be afforded leave to amend its answer
26 and affirmative defenses.
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IV. CONCLUSION

For the foregoing reasons, the Court should grant the City leave to file the proposed amended answer and affirmative defenses to the HOA's first amended complaint.

DATED THIS 5th day of December, 2019.

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s/ QUINN N. PLANT
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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2019, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

V. Omar Barraza	omar@barrazalaw.com
Christina L. Henry	chenry@hdm-legal.com
Ms. Mary E. Mirante Bartolo	mmbartolo@seatacwa.gov
Mr. Mark S. Johnsen	mjohnsen@seatacwa.gov
Mr. Brendan W. Donckers	bdonckers@bjtlegal.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ KENNETH W. HARPER
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DEFENDANT'S MOTION FOR
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Appendix A

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DEFENDANT'S **AMENDED**
ANSWER AND AFFIRMATIVE
DEFENSES TO FIRST
AMENDED COMPLAINT

Defendant City of SeaTac ("defendant") responds to plaintiff's first amended complaint ("FAC") as follows:

Answering the introductory paragraph of the FAC, defendant is without information or knowledge to form a belief as whether "almost all" members of the Firs Home Owners Association "are Latino or Hispanic," and therefore denies the same. Defendant denies each and every other allegation of the introductory paragraph of the FAC.

DEFENDANT'S **AMENDED** ANSWER
AND AFFIRMATIVE DEFENSES TO
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I. Parties

1.1. Answering paragraph 1.1 of the complaint, defendant admits the same.

1.2. Answering paragraph 1.2 of the complaint, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same. Answering footnote no. 1 to paragraph 1.2 of the complaint, defendant admits only to the existence of legal authority, including *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), which speaks for itself, and denies each and every other allegation of said footnote.

1.3. Answering paragraph 1.3 of the complaint, defendant admits the same.

II. Jurisdiction and Venue

2.1. Answering paragraph 2.1 of the FAC, defendant admits the same.

III. Facts

3.1. Answering paragraph 3.1 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

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3 3.2 Answering paragraph 3.2 of the FAC, defendant is without
4 information or knowledge sufficient to form a belief as to the truth of said
5 allegations, and therefore denies the same.
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7 3.3 Answering paragraph 3.3 of the FAC, defendant admits only that
8 defendant is among King County's most diverse cities. In answer to
9 demographic data referenced in paragraph 3.3 of the complaint, defendant
10 admits to the existence of a 2012 presentation regarding "South King County's
11 Changing Demographics," which speaks for itself as to content, and is without
12 information or knowledge sufficient to form a belief as to the accuracy of said
13 data, and therefore denies the same.
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16 3.4 Answering paragraph 3.4 of the FAC, defendant admits only to
17 the existence of the City of SeaTac Comprehensive Plan Land Use Background
18 Report, which speaks for itself as to content, and denies each and every other
19 allegation of said paragraph.
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22 3.5 Answering paragraph 3.5 of the FAC, defendant admits only to
23 the existence of the 2013-2017 American Community Survey 5-Year Estimate,
24 which speaks for itself as to content, and denies each and every other allegation
25 of said paragraph.
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3 3.6 Answering paragraph 3.6 of the FAC, defendant admits only that
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5 Spanish is the primary language spoken by some adult heads of households
6 located within the Firs Mobile Home Park. Defendant is without information
7 or knowledge sufficient to form a belief as to the truth of each and every other
8 allegation of said paragraph, including footnote no. 2 to said paragraph, and
9 therefore denies the same.
10

11 3.7 Answering paragraph 3.7 of the FAC, defendant is without
12 information or knowledge sufficient to form a belief as to the truth of said
13 allegations, and therefore denies the same.
14

15 3.8 Answering paragraph 3.8 of the FAC, defendant admits that it is a
16 signatory to an Interlocal Cooperation Agreement Regarding the Community
17 Development Block Grant Program covering the 2015, 2016 and 2017 federal
18 fiscal years, which speaks for itself as to content, and that said interlocal
19 agreement is ongoing, and denies each and every other allegation of said
20 paragraph.
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23 3.9 Answering the first sentence of paragraph 3.9 of the FAC,
24 defendant is without information or knowledge sufficient to form a belief as to
25 the existence of a King County Housing and Community Development
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3 Program, and therefore denies the same. Defendant admits to the existence of
4 a King County Consortium Consolidated Housing and Community
5 Development Plan, which speaks for itself as to content. Answering the rest of
6 paragraph 3.9 of the FAC, the interlocal agreement described in answer to
7 paragraph 3.8 of the FAC speaks for itself as to content. Defendant denies
8 each and every other allegation of said paragraph.
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11 3.10 Answering the first sentence of paragraph 3.10 of the FAC,
12 defendants admits only that defendant adopted amendments to its
13 comprehensive plan in June, 2015, that the Comprehensive Plan as amended in
14 June, 2015 speaks for itself as to content, and to the existence of Washington's
15 Growth Management Act, Wash. Rev. Code Chapter 36.70A, which also
16 speaks for itself as to content. Defendant denies each and every other
17 allegation of said paragraph.
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21 3.11 Answering paragraph 3.11 of the FAC, defendant admits only to
22 the existence of the 2015-2019 Consolidated Plan of the King County
23 Consortium, which speaks for itself as to content, and denies each and every
24 other allegation of said paragraph.
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3 3.12 Answering paragraph 3.12 of the FAC, defendant is without
4 information or knowledge sufficient to form belief as to the truth of said
5 allegations, and therefore denies the same.
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7 3.13 Answering paragraph 3.13 of the FAC, defendant admits only to
8 the existence of the City of SeaTac 2015/16 biennial budget, which speaks for
9 itself as to content, and denies each and every other allegation of said
10 paragraph.
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13 3.14 Answering paragraph 3.14 of the FAC, defendant admits only to
14 locating records suggesting said allegations to be accurate. Defendant cannot
15 independently confirm the accuracy of these records, or the truth of the
16 allegations set forth in paragraph 3.14 of the FAC, and therefore denies the
17 same.
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20 3.15 Answering paragraph 3.15 of the FAC, defendant admits only that
21 the SeaTac City Council appointed James Payne as Interim City Manager on
22 January 19, 2016, and denies each and every other allegation of said paragraph.
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24 3.16 Answering the first sentence of paragraph 3.16 of the FAC,
25 defendant admits only that Washington State Representative Matt Shea was
26 invited to make a presentation to the SeaTac City Council, which presentation
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3 spoke for itself as to content, and that Riverton Heights Park is located near the
4 Islamic Center of Seattle. Defendant is without information or knowledge
5 sufficient to form a belief as to who invited Representative Shea, and therefore
6 denies the allegation that Representative Shea was invited by then-Mayor Rick
7 Forschler. Defendant is without information or knowledge sufficient to form a
8 belief as to the truth of the allegation that Washington State Representative
9 Matt Shea is controversial, and therefore denies the same. Defendant denies
10 each and every other allegation of said sentence. Answering the second and
11 third sentences of paragraph 3.16 of the FAC, and footnote 3 of paragraph 3.16
12 of the FAC, defendant admits only to the existence of an August 26, 2019,
13 newspaper article in the Inlander, which speaks for itself as to content, and
14 denies each and every other allegation of said sentences and footnote.
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20 3.17 Answering the first sentence of paragraph 3.17 of the FAC,
21 defendant admits only that City Manager James Payne resigned on or about
22 April 6, 2016, and to the existence of a report from an outside investigator,
23 Michael Griffin, which speaks for itself as to content. Defendant denies each
24 and every other allegation of said sentence. Answering each and every other
25 allegation set forth in paragraph 3.17 of the FAC, the investigator's report
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3 speaks for itself as to content and no response is required. To the extent a
4 response is required, defendant denies each and every other allegation of the
5 second, third and fourth sentences of paragraph 3.17 of the FAC.
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8 3.18 Answering paragraph 3.18 of the FAC, defendant admits the
9 same.

10 3.19 Answering paragraph 3.19 of the FAC, defendant admits only to
11 locating records suggesting said allegations to be accurate. Defendant cannot
12 independently confirm the accuracy of these records, or the truth of the
13 allegations set forth in paragraph 3.19 of the FAC, and therefore denies the
14 same.
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17 3.20 Answering paragraph 3.20 of the complaint, defendant is without
18 information or knowledge sufficient to form a belief as to the truth of said
19 allegations and therefore denies the same.
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21 3.21 Answering the first and second sentences of paragraph 3.21 of the
22 FAC, defendant is without information or knowledge sufficient to form a belief
23 as to the truth of the allegations set forth therein, and therefore denies the same.
24 Answering the third sentence of paragraph 3.21 of the FAC, defendant denies
25 the same.
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3.22 Answering the first, third and fourth sentences of paragraph 3.22 of the FAC, defendant admits only to the existence of SeaTac Municipal Code (SMC) § 15.465.600.H, which speaks for itself as to content, and denies each and every other allegation of said sentences. Answering the second sentence of paragraph 3.22 of the FAC, said sentence makes erroneous statements of law, to which- no response is required. To the extent a response is required, defendant denies the same. Answering the fifth sentence of paragraph 3.22 of the FAC, defendant admits the same.

3.23 Answering paragraph 3.22 of the FAC, defendant denies the same.

3.24 Answering paragraph 3.24 of the FAC, defendant cannot determine what the plaintiff means by "throughout the relocation process," which defendant understands to be ongoing, and therefore denies the same.

3.25 Answering paragraph 3.25 of the FAC, defendant admits only to the existence of SMC § 15.465.600.H, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.26 Answering the first and second sentence of paragraph 3.26 of the FAC, defendant admits only that the landlord sent letters in English to residents of the Firs Mobile Home Park inviting them to a meeting on July 11, 2016, at a

private hotel, regarding the proposed closure of the mobile home park.

Defendant denies each and every other allegation of said sentences. Answering the third sentence of paragraph 3.26 of the FAC, defendant admits only that Steve Pilcher attended the meeting and denies each and every other allegation of said sentence. Answering the fourth, fifth and sixth sentence of paragraph 3.26 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.27 Answering paragraph 3.27 of the complaint, defendant admits only to a judgment entered against it by Judge Richard McDermott in *K & S Developments, LLC v. City of SeaTac*, King County Superior Court Cause No. 12-2-40564-6, which speaks for itself as to content, and that Jeffrey Robinson was named as a defendant. The defendant denies the plaintiff's characterization of the facts and ruling in that lawsuit, and further denies each and every other allegation of said paragraph.

3.28 Answering the first sentence of paragraph 3.28 of the FAC, defendant admits issuing a State Environmental Policy Act (SEPA) threshold determination of non-significance on July 22, 2016, which speaks for itself as to content, and denies each and every other allegation of said sentence.

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3 Answering the second sentence of paragraph 3.28 of the FAC, defendant
4 denies that it "failed" to provide SEPA related materials in Spanish and further
5 denies that it had any obligation or duty to do so.
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7 3.29 Answering paragraph 3.29 of the FAC, defendant admits the
8 same.
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10 3.30 Answering 3.30 of the FAC, defendant admits only that the Angle
11 Lake Light Rail Station opened in September 2016 and that the station is less
12 than one mile from the Firs Mobile Home Park. Defendant denies each and
13 every other allegation of said paragraph.
14

15 3.31 Answering the first sentence of paragraph 3.31 of the FAC,
16 defendant admits the same. Answering the second, third and fourth sentences
17 of paragraph 3.31 of the FAC, defendant denies the same. Answering the fifth
18 sentence of paragraph 3.31 of the FAC, defendant admits the same. Answering
19 the sixth sentence of paragraph 3.31 of the complaint, defendant admits the
20 same.
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23 3.32 Answering paragraph 3.32 of the FAC, defendant admits the
24 same.
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3.33 Answering the first and third sentences of paragraph 3.33 of the FAC, defendant admits the same. Answering the second sentence of paragraph 3.33 of the FAC, defendant denies that it "failed" to provide the relocation approval letter in Spanish, denies that it "failed" to provide residents with information in Spanish about their appeal rights, and further denies that it had any obligation or duty to do either.

3.34 Answering paragraph 3.34 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

3.35 Answering paragraph 3.35 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

3.36 Answering the first sentence of paragraph 3.36 of the FAC, defendant admits only that individuals who purported to be residents of the First Mobile Home Park spoke at the regular council meeting of October 25, 2016, that their comments speak for themselves. Defendants are without information or knowledge sufficient to form a belief as to whether these individuals were "HOA members," and therefore denies the same. Defendant denies each and

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3 every other allegation of said sentence. Answering the second sentence of
4 paragraph 3.36 of the FAC, defendant denies that it "refused" to extend the
5 appeal deadline, and is without information or knowledge sufficient to form a
6 belief as to whether "many" of the families did or did not receive notice of the
7 approval of the relocation plan until on or about October 25, 2016, and
8 therefore denies the same. Defendant denies each and every other allegation of
9 said sentence.
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13 3.37 Answering the first sentence of paragraph 3.37 of the FAC,
14 defendant admits only that members of the SeaTac City Council spoke at the
15 October 25, 2016, regular council meeting and is without information or
16 knowledge sufficient to form a belief as to whether residents of the Firs
17 considered their comments to be hostile or discriminatory, and therefore denies
18 the same. Answering the second sentence of paragraph 3.37 of the FAC,
19 defendant denies that it "failed" to provide Spanish-language interpreters at the
20 October 25, 2016, regular council meeting, and further denies that it had any
21 obligation or duty to do so. Defendant is without information or knowledge
22 sufficient to form a belief as to the truth of the allegation that this City Council
23 Meeting was attended by "Firs MHP residents," and therefore denies the same.
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3 Answering the third sentence of paragraph 3.37 of the FAC, the official
4 minutes of the October 25, 2016, SeaTac City Council meeting speak for
5 themselves, and no response is required. To the extent a response is required,
6 defendant denies the same.
7

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9 3.38 Answering paragraph 3.38 of the FAC, statements by then-Acting
10 City Manager Jose Scorcio at the October 25, 2016, regular meeting of the
11 SeaTac City Council speak for themselves, and no response is therefore
12 required. To the extent a response is required, defendant denies plaintiff's
13 characterization of Mr. Scorcio's comments.
14

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16 3.39 Answering paragraph 3.39 of the FAC, statements by then-
17 Councilmember Kathryn Campbell and then-Acting City Manager Jose Scorcio
18 at the October 25, 2016, regular meeting of the SeaTac City Council speak for
19 themselves, and no response is therefore required. To the extent a response is
20 required, defendant denies the same.
21

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23 3.40 Answering paragraph 3.40 of the FAC, statements by
24 Councilmember Tony Anderson at the October 25, 2016, regular meeting of
25 the SeaTac City Council speak for themselves, and no response is therefore
26 required. To the extent a response is required, defendant denies the same.
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3 Answering footnote 4 to paragraph 3.40 of the FAC, said footnote is not
4 directed at defendant and not response is required. To the extent a response is
5 required, defendant is without information or knowledge sufficient to form a
6 belief as to the truth of said allegations, and therefore denies the same.
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9 3.41 Answering the first sentence of paragraph 3.41 of the FAC,
10 defendant denies the same. Answering each and every other allegation of said
11 paragraph, statements by members of the SeaTac City Council at the October
12 25, 2016, regular meeting of the SeaTac City Council speak for themselves as
13 to content, and no response is required. To the extent a response is required,
14 defendant admits only that former Mayor Sietkes resigned his seat and denies
15 each and every other allegation of said sentences.
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17

18 3.42 Answering paragraph 3.42 of the FAC, defendant admits only to
19 the existence of email correspondence from Joseph Scorcio to Monica
20 Mendoza-Castrejon dated October 30, 2016, which speaks for itself, and denies
21 each and every other allegation of said paragraph.
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24 3.43 Answering paragraph 3.43 of the complaint, defendant denies the
25 same. Defendant admits that Crisanto Medina (but not other individual
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3 members of the HOA) timely appealed defendant's approval of the relocation
4 plan.
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6 3.44 Answering paragraph 3.44 of the FAC, defendant denies the same.

7 3.45 Answering paragraph 3.45 of the FAC, defendant admits only that
8
9 members of the public spoke at the SeaTac City Council meeting on November
10 22, 2016, and that said comments speak for themselves. Defendant denies each
11 and every other allegation of said paragraph.
12

13 3.46 Answering the first sentences of paragraph 3.46 of the FAC,
14 defendant admits the same. Answering the second sentence of paragraph 3.46
15 of the FAC, defendant admits that King County awarded an additional
16 \$338,400 in CDBG funds and denies each and every other allegation of said
17 sentence. Answering the third sentences of paragraph 3.46 of the FAC,
18 defendant admits the same.
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21 3.47 Answering paragraph 3.47 of the FAC, defendant is without
22 information or knowledge sufficient to form belief as to the truth of said
23 allegations, and therefore denies the same.
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25 3.48 Answering the first and second sentence of paragraph 3.48 of the
26 FAC, defendant admits the same. Answering the third and fourth sentences of
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3 paragraph 3.48 of the FAC, defendant admits only that members of the public
4 and also Steve Pilcher spoke at the public hearing on January 19, 2017, the
5 comments and testimony of whom speaks for themselves. Defendant is
6 without information or knowledge sufficient to form a belief as to whether any
7 people who spoke at the hearing were "HOA members," and therefore denies
8 the same. Defendant denies each and every other allegation of said paragraph.
9

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11 3.49 Answering paragraph in 3.49 of the FAC, defendant admits only
12 to the existence of briefing filed by the City of SeaTac with the hearing
13 examiner, which speaks for itself as to content, and denies each and every other
14 allegation of said paragraph.
15

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17 3.50 Answering paragraph 3.50 of the FAC, defendant is without
18 information or knowledge sufficient to form a belief as to the truth of said
19 allegations, and therefore denies the same.
20

21 3.51 Answering paragraph 3.51 of the FAC, defendant admits only to
22 the existence of the hearing examiner's report and decisions dated February 22,
23 2017, which speaks for itself as to content, and denies each and every other
24 allegation of said paragraph.
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3.52 Answering paragraph 3.52 of the FAC, defendant admits the same.

3.53. Answering paragraph 3.52 of the FAC, defendant denies the same.

3.54 Answering paragraph 3.54 of the FAC, defendant denies the same.

3.55 Answering paragraph 3.55 of the FAC, defendant admits only to the existence of an order of King County Superior Court Judge Judith H. Ramseyer dated May 26, 2017, in King County Superior Court case number 17-2-07094 KNT, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.56 Answering paragraph 3.56 of the FAC, defendant lacks information or knowledge sufficient to form a belief as to the existence of any oral or written order of the King County Superior Court on May 31, 2017, and therefore denies the same. To the extent such order may exist, the order speaks for itself as to content. Defendant denies each and every other allegation of said paragraph.

3.57 Answering paragraph 3.57 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.58 Answering paragraph 3.58 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.59 Answering paragraph 3.59 of the FAC, defendant is without information or knowledge sufficient to form belief as to the truth of said allegations, and therefore denies the same.

3.60 Answering paragraph 3.60 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.61 Answering paragraph 3.61 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.62 Answering paragraph 3.62 of the FAC, defendant denies the same.

3.63 Answering paragraph 3.63 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

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3 3.64 Answering paragraph 3.64 of the FAC, defendant is without
4 information or knowledge sufficient to form a belief as to the truth of said
5 allegations, and therefore denies the same.
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7 3.65 Answering paragraph 3.65 of the FAC, defendant is without
8 information or knowledge sufficient to form a belief as to the truth of said
9 allegations, and therefore denies the same.
10

11 3.66 Answering paragraph 3.66 of the FAC, defendant admits only that
12 then-Mayor Siefkes spoke at the December 12, 2017, special meeting of the
13 SeaTac City Council and that his comments speak for themselves. Defendant
14 denies each and every other allegation of said paragraph.
15

16 3.67 Answering paragraph 3.67 of the FAC, defendant is without
17 information or knowledge sufficient to form a belief as to the truth of said
18 allegations, and therefore denies the same.
19

20 3.68 Answering paragraph 3.68 of the FAC, defendant does not have a
21 transcript of court proceedings on December 15, 2017, and lacks information
22 or knowledge sufficient to form a belief as to the truth of said allegations, and
23 therefore denies the same.
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3 3.69 Answering paragraph 3.69 of the FAC, defendant is without
4 information or knowledge sufficient to form a belief as to the truth of said
5 allegations, and therefore denies the same.
6

7 3.70 Answering paragraph 3.70 of the FAC, defendant is without
8 information or knowledge sufficient to form a belief as to the truth of said
9 allegations, and therefore denies the same.
10

11 3.71 Answering paragraph 3.71 of the FAC, defendant is without
12 information or knowledge sufficient to form a belief as to the truth of said
13 allegations, and therefore denies the same.
14

15 3.72 Answering the first and second sentences of paragraph 3.72 of the
16 FAC, defendant admits only to a Human Services Needs Assessment prepared
17 for the City of SeaTac by Kone Consulting and released on or about January 9,
18 2018, which speaks for itself as to content. Defendant denies plaintiff's
19 characterization of the report's "recommendations." Answering the third and
20 fourth sentence of paragraph 3.72 of the FAC, defendant does not have a
21 recording or transcript of the Special Administration and Finance Committee
22 meeting on January 17, 2018, and is therefore without information or
23 knowledge sufficient to form a belief as to the truth of said allegations, and
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3 therefore denies the same. Defendant admits the existence of minutes from
4 that meeting, which speak for themselves as to content. Defendant denies each
5 and every other allegation of said paragraph.
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8 3.73 Answering paragraph 3.73 of the FAC, defendant admits only to a
9 tweet from Mayor Erin Sitterly on or about January 19, 2018, which speaks for
10 itself as to content, and denies each and every other allegation of said
11 paragraph.
12

13 3.74 Answering paragraph 3.74 of the FAC, defendant is without
14 information or knowledge sufficient to form a belief as to the truth of said
15 allegations, and therefore denies the same.
16

17 3.75 Answering paragraph 3.75 of the FAC, defendant is without
18 information or knowledge sufficient to form a belief as to the truth of said
19 allegations, and therefore denies the same.
20

21 3.76 Answering the first and second sentences of paragraph 3.76 of the
22 FAC, defendant admits only to the existence of the Seattle Times article
23 referenced therein, which speaks for itself as to content, and denies each and
24 every other allegation of said sentences. Answering the third and fourth
25 sentences of paragraph 3.76 of the FAC, defendant is without information or
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3 knowledge sufficient to form a belief as to the truth of said allegations, and
4 therefore denies the same. Defendant denies that it "did not make any effort to
5 help the HOA leverage this incredible contribution" and denies that it refused
6 to cooperate "with the HOA to leverage these funds."
7
8

9 3.77 Answering paragraph 3.77 of the FAC, defendant admits only to
10 the existence of the City of SeaTac ADA Transition Plan, dated April 27, 2018,
11 which speaks for itself as to content, and denies each and every other allegation
12 of said paragraph.
13

14 3.78 Answering paragraph 3.78 of the FAC, defendant admits only to
15 the existence of an oral ruling by King County Superior Court Judge LeRoy
16 McCullough on June 7, 2018, which speaks for itself as to content, and denies
17 each and every other allegation of said paragraph.
18
19

20 3.79 Answering paragraph 3.79 of the FAC, defendant admits only to
21 the existence of an oral ruling by King County Superior Court Judge LeRoy
22 McCullough on June 7, 2018, which speaks for itself as to content, and denies
23 each and every other allegation of said paragraph.
24

25 3.80 Answering paragraph 3.80 of the FAC, defendant admits only to
26 the existence of a written order entered by King County Superior Court Judge
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3 LeRoy McCullough on September 19, 2018, which speaks for itself as to
4
5 content, and denies each and every other allegation of said paragraph.

6 3.81 Answering paragraph 3.81 of the FAC, defendant denies the same.

7
8 3.82 Answering the first sentence of paragraph 3.82 of the FAC, the
9 term "pre-litigation tort claim" is not defined. With the understanding that the
10 plaintiff intended to reference a "standard tort claim form," defendant admits
11 that the plaintiff filed said form with defendant on February 13, 2019, which
12 form speaks for itself as to content, and denies each and every other allegation
13 of said sentence. Answering the second sentence of paragraph 3.82 of the
14 FAC, defendant admits the same.
15
16

17 3.83 Answering the first and second sentence of paragraph 3.83 of the
18 FAC, defendant admits the same. Answering the third sentence of paragraph
19 3.83 of the FAC, defendant denies the same. Answering the fourth, fifth and
20 sixth sentences of paragraph 3.83 of the FAC, defendant admits only that
21 several parties involved in the mediation reached a settlement agreement,
22 which speaks for itself as to content. Defendant denies each and every other
23 allegation of said paragraph.
24
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26

27 IV. Claims

28
29 DEFENDANT'S AMENDED ANSWER
30 AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 24

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3 4.1 Defendant repeats, realleges and incorporates by reference each of
4 the foregoing answers.
5

6 4.2 Answering paragraph 4.2 of the FAC, said paragraph sets forth
7 general statements of law to which no response is required. To the extent a
8 response is required, defendant admits only to the existence of the Washington
9 Law Against Discrimination (the "WLAD"), codified at Wash. Rev. Code
10 Chapter 49.60, which speaks for itself as to purpose and content, and denies
11 each and every other allegation of said paragraph.
12

13 4.3 Answering paragraph 4.3 of the FAC, said paragraph sets forth
14 general statements of law to which no response is required. To the extent a
15 response is required, defendant admits only to the existence of the WLAD and
16 case law authority interpreting and applying the WLAD, including *Blackburn*
17 *v. Dept. of Soc. & Health Services*, 186 Wn.2d 250, 375 P.3d 1076 (2016), and
18 *Howell v. Dept. of Soc. & Health Services*, 7 Wn. App. 2d 899, 436 P.3d 368
19 (2019), each of which speaks for itself as to content, and denies each and every
20 other allegation of said paragraph.
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23 4.4 Answering paragraph 4.4 of the FAC, said paragraph sets forth
24 general statements of law and legal argument to which no response is required.
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3 To the extent a response is required, defendant admits only to the existence of
4 the WLAD and case law authority interpreting and applying the WLAD,
5 including *Blackburn* and *Taylor v. Burlington Northern Railroad Holdings,*
6 *Inc.*, 193 Wn.2d 611, 44 P.3d 606 (2019), each of which speaks for itself as to
7 content, and denies each and every other allegation of said paragraph.
8
9

10 4.5 Defendant repeats, realleges and incorporates by reference each of
11 the foregoing answers.
12

13 4.6 Answering the first and second sentences of paragraph 4.6 of the
14 FAC, defendant denies the same. Answering the third sentence of paragraph
15 4.6 of the FAC, defendant admits only that it used City funds to review and re-
16 translate portions of the relocation plan translated into Spanish and denies each
17 and every other allegation of said sentence. Answering each and every other
18 allegation in paragraph 4.6 of the FAC, defendant denies the same.
19
20

21 4.7 Defendant repeats, realleges and incorporates by reference each of
22 the foregoing answers.
23

24 4.8 Answering the first sentence of paragraph 4.8 of the FAC,
25 defendant admits only to the existence of an oral ruling and written order by
26 Judge McCullough, each of which speaks for itself as to content, and denies
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28

29 DEFENDANT'S AMENDED ANSWER
30 AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
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each and every other allegation of said sentence. Answering each and every other allegation in paragraph 4.8 of the FAC, defendant denies the same.

4.9 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.10 Answering the first, second, third and fourth sentences of paragraph 4.10 of the FAC, defendant admits only to the existence of an oral ruling and written order by Judge McCullough, each of which speaks for itself as to content, and denies each and every other allegation of said sentences. Answering each and every other allegation in paragraph 4.10 of the FAC, defendant denies the same.

4.11 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.12 Answering the first sentence of paragraph 4.12 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same. Answering each and every other allegation in paragraph 4.12 of the FAC, defendant denies the same.

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3 4.13 Defendant repeats, realleges and incorporates by reference each of
4 the foregoing answers.
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6 4.14 Answering paragraph 4.14 of the FAC, defendant denies the same.
7

8 4.15 Defendant repeats, realleges and incorporates by reference each of
9 the foregoing answers.

10 4.16 Answering paragraph 4.16 of the FAC, defendant denies the same.
11

12 4.17 Defendant repeats, realleges and incorporates by reference each of
13 the foregoing answers.

14 4.18 Answering paragraph 4.18 of the FAC, defendant is without
15 information or knowledge sufficient to form a belief as to the truth of said
16 allegations, therefore denies the same.
17

18 4.19 Answering paragraph 4.19 of the FAC, said paragraph sets forth
19 general statements of law to which no response is required. To the extent a
20 response is required, defendant admits only to the existence of RCW 2.43.010,
21 which speaks for itself as to content, and denies each and every other allegation
22 of said paragraph.
23

24 4.20 Answering the first sentence of paragraph 4.20 of the FAC, said
25 sentence sets forth general statements of law to which no response is required.
26
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28
29 DEFENDANT'S AMENDED ANSWER
30 AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 28

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3 To the extent a response is required, defendant admits only to the existence of
4 RCW 2.43.020(3), which speaks for itself as to content, and denies each and
5 every other allegation of said sentence. Answering the second sentence of
6 paragraph 4.20 of the FAC, defendant denies the same.
7
8

9 4.21 Answering the first sentence of paragraph 4.21 of the FAC,
10 defendant denies the same. Answering the second sentence of paragraph 4.21
11 of the FAC, the term "SEPA materials" is not defined. To the extent said term
12 is intended to reference the threshold determination made by the City pursuant
13 to Wash. Rev. Code Ch. 43.21C, defendant admits only that the City did not
14 translate the threshold determination into Spanish and denied it had any
15 obligation or duty to do so. Defendant denies each and every other allegation
16 of said sentence. Answering the third sentence of paragraph 4.21 of the FAC,
17 defendant denies the same.
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21 4.22 Answering paragraph 4.22 of the FAC, defendant admits only to
22 the existence of statements by Councilmembers Anderson and Campell at the
23 October 25, 2016, SeaTac City Council meeting, each of which speaks for
24 itself, and denies each and every other allegation of said paragraph.
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3 4.23 Answering the first two sentences of paragraph 4.23 of the FAC,
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5 said sentences contain general statements of law to which no response is
6 required. To the extent a response is required, the case law authority cited
7 therein speaks for itself as to content. Defendant denies each and every other
8 allegation of said sentences. Answering the third sentence of paragraph 4.23 of
9 the FAC, defendant denies the same.
10

11 4.24 Answering paragraph 4.24 of the FAC, defendant denies the same.
12

13 4.25 Defendant repeats, realleges and incorporates by reference each
14 of the foregoing answers.
15

16 4.26 Answering paragraph 4.26 of the FAC, defendant denies the same.

17 4.27 Defendant repeats, realleges and incorporates by reference each
18 of the foregoing answers.
19

20 4.28 Answering the first sentence of paragraph 4.28 of the FAC, said
21 sentence makes general statements of law to which no response is required. To
22 the extent a response is required, defendant admits only to the existence of
23 SMC § 15.465.600.H, which speaks for itself as to content, and denies each
24 and every other allegation of said paragraph. Answering the second sentence
25 of paragraph 4.28 of the FAC, defendant is without information or knowledge
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3 sufficient to form a belief as to the truth of said allegations, and therefore
4 denies the same. Answering each and every other allegation of paragraph 4.28
5 of the FAC, defendant denies the same.
6

7 4.29 Defendant repeats, realleges and incorporates by reference each of
8 the foregoing answers.
9

10 4.30 Answering paragraph 4.30 of the FAC, defendant denies the same.
11

12 4.31 Defendant repeats, realleges and incorporates by reference each of
13 the foregoing answers.

14 4.32 Answering paragraph 4.32 of the FAC, defendant denies the same.
15

16 4.33 Defendant repeats, realleges and incorporates by reference each of
17 the foregoing answers.

18 4.34 Answering the first sentence of paragraph 4.34 of the FAC, said
19 sentence makes general statements of law to which no response is required. To
20 the extent a response is required, defendant admits only to the existence of
21 RCW 49.60.222, which speaks for itself as to content, and denies each and
22 every other allegation of said sentence. Answering each and every other
23 allegation of paragraph 4.34 of the FAC, defendant denies the same.
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4.35 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.36 Answering paragraph 4.36 of the FAC, defendant denies the same.

4.37 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.38 Answering the first, second, third and fourth sentences of paragraph 4.38 of the FAC, defendant admits only to the existence of an oral ruling and written order by Judge McCullough, each of which speaks for itself as to content, and denies each and every other allegation of said sentences.

Answering each and every other allegation in paragraph 4.38 of the FAC, defendant denies the same.

4.39 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.40 Answering the first sentence of paragraph 4.40 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same. Answering each and every other allegation in paragraph 4.40 of the FAC, defendant denies the same.

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3 4.41 Defendant repeats, realleges and incorporates by reference each of
4 the foregoing answers.
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6 4.42 Answering paragraph 4.42 of the FAC, defendant denies the same.
7

8 4.43 Defendant repeats, realleges and incorporates by reference each
9 of the foregoing answers.

10 4.44 Answering paragraph 4.44 of the FAC, defendant is without
11 information or knowledge sufficient to form a belief as to the truth of said
12 allegations, therefore denies the same.
13

14 4.45 Answering paragraph 4.45 of the FAC, defendant admits only to
15 the existence of interlocal agreements with King County, each of which speaks
16 for itself as to content. Paragraph 4.45 does not reference any specific contract
17 by date or subject matter and defendant is therefore without information or
18 knowledge sufficient to form a belief as to whether any particular contract or
19 agreement with King County obligates it to comply with federal LEP policies
20 and procedures, and therefore denies the same.
21
22
23

24 4.46 Answering the first sentence of paragraph 4.46 of the FAC, said
25 sentence makes general statements of law to which no response is required. To
26 the extent a response is required, defendant admits only to the existence of
27
28

29 DEFENDANT'S AMENDED ANSWER
30 AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 33

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3 guidance from the federal government concerning Title VI, including guidance
4 at 72 Fed. Reg. 2732, 2751, which speaks for itself as to content, and denies
5 each and every other allegation of said sentence. Answering the second
6 sentence of paragraph 4.46 of the FAC, defendant denies the same.
7
8

9 4.47 Answering paragraph 4.47 of the FAC, said sentence makes
10 general statements of law to which no response is required. To the extent a
11 response is required, defendant admits only to the existence of guidance from
12 the federal government concerning Title VI, including guidance at 72 Fed. Reg.
13 2732, 2751, which speaks for itself as to content, and denies each and every
14 other allegation of said paragraph.
15
16

17 4.48 Answering paragraph 4.48 of the FAC, defendant denies the same.
18

19 4.49 Answering paragraph 4.49 of the FAC, defendant admits only to
20 the existence of statements by Councilmembers Anderson and Campbell at the
21 October 25, 2016, SeaTac City Council meeting, each statement of which
22 speaks for itself, and denies each and every other allegation of said paragraph.
23

24 4.50 Answering paragraph 4.50 of the FAC, said sentence makes
25 general statements of law to which no response is required. To the extent a
26 response is required, defendant admits only to the existence of case law
27
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3 authority, including *Almendares v. Palmer*, 284 F. Supp. 2d 79 (N.D. Ohio
4 2003), which speaks for itself as to content, and denies each and every other
5 allegation of said paragraph.
6

7 4.51 Answering the first sentence of paragraph 4.51 of the FAC,
8 defendant denies the same. Answering the second sentence of paragraph 4.51
9 of the FAC, said sentence makes general statements of law to which no
10 response is required. To the extent a response is required, defendant admits
11 only to the existence of federal legislation, which speaks for itself as to content,
12 and denies each and every other allegation of said sentence.
13
14

15 4.52 Defendant repeats, realleges and incorporates by reference each of
16 the foregoing answers.
17

18 4.53 Answering paragraph 4.53 of the FAC, defendant denies the same.
19

20 4.54 Defendant repeats, realleges and incorporates by reference each of
21 the foregoing answers.
22

23 4.55 Answering paragraph 4.55 of the FAC, defendant denies the same.
24

25 4.56 Defendant repeats, realleges and incorporates by reference each of
26 the foregoing answers.
27
28

29 DEFENDANT'S AMENDED ANSWER
30 AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
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1
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3 4.57 Answering the first and second sentences of paragraph 4.57 of the
4
5 FAC, defendants deny the same. Answering the third sentence of paragraph
6
7 4.57 of the FAC, said sentence makes general statements of law to which no
8
9 response is required. To the extent a response is required, defendant admits
10
11 only to the existence of federal legislation, including 42 U.S.C. § 3608, which
12
13 speaks for itself as to content, and denies each and every other allegation of
14
15 said paragraph.

16 4.58 Answering the first sentence of paragraph 4.58 of the FAC,
17
18 defendant admits only to the existence of contracts and agreements with King
19
20 County, each of which speaks for itself as to content, and denies each and
21
22 every other allegation of said sentence. Answering the second, third and fourth
23
24 sentences of paragraph 4.58 of the FAC, said sentences make general
25
26 statements of law to which no response is required. To the extent a response is
27
28 required, defendant admits only to the existence of federal law and regulation,
29
30 including Title 24 of the Code of Federal Regulations, which speaks for itself
as to content, and denies each and every other allegation of said sentences.

4.59 Answering paragraph 4.59 of the FAC, said paragraph makes
general statements of law to which no response is required. To the extent a

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3 response is required, defendant admits only to the existence of federal law and
4 authority, including 24 C.F.R. § 100.500 and *Griggs v. Duke Power Co.*, 401
5 U.S. 424 (1971), which speaks for itself as to content, and denies each and
6 every other allegation of said paragraph.
7
8

9 4.60 Answering the first sentence of paragraph 4.60 of the FAC,
10 defendant denies the same. Answering the second sentence of paragraph 4.60
11 of the FAC, defendant admits only to the existence of its Comprehensive Plan,
12 which speaks for itself as to content, and denies each and every other allegation
13 of said sentence. Answering the third sentence of paragraph 4.60 of the FAC,
14 defendant denies the same.
15
16

17 4.61 Answering paragraph 4.61 of the FAC, defendant denies the same.
18

19 4.62 Answering paragraph 4.62 of the FAC, defendant denies the same.
20

21 **V. Damages**

22 5.1. Answering paragraph 5.1 of the complaint, defendant denies the
23 same.
24

25 **VI. Plaintiff's Request For Relief**

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28
29 DEFENDANT'S AMENDED ANSWER
30 AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 37

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6.1. Answering paragraph 6.1 of the complaint, including all subparts thereto, defendant denies the same, and further denies that plaintiff is entitled to any of the relief sought therein.

6.2. Except to the extent specifically admitted above, defendant denies all remaining allegations of the complaint.

VII. Affirmative Defenses

By way of further answer and its first affirmative defenses, defendant City of SeaTac alleges as follows:

1. Plaintiff has failed to state a claim upon which relief can be granted for reasons including but not limited to those set forth in defendant's Fed. R. Civ. P. 12(b)(6) motion to dismiss plaintiff's first amended complaint (Dkt. #36).

~~2. Plaintiff's claims are barred in whole or in part by justification, privilege, and or legislative immunity and/or other forms of immunity in favor of defendant's actions in furtherance of its rights and obligations under the law, and plaintiff's claims are contrary to public policy.~~

23. Some or all of plaintiff's claims are barred by res judicata or collateral estoppel (claim and/or issue preclusion) relating to or arising from

1
2
3 the lawsuit styled *Medina et al. v. City of SeaTac et al.*, King County Superior
4 Court case number 17-2-07094-7 KNT.
5

6 3. Some or all of plaintiff's claims are barred by collateral estoppel
7 relating to or arising from the lawsuit styled *Medina et al. v. City of SeaTac et*
8 *al.*, King County Superior Court case number 17-2-07094-7 KNT.
9

10 4. Plaintiff lacks representational standing because it seeks to
11 recover damages on behalf of its members rather than injunctive or declaratory
12 relief. Plaintiff lacks organizational standing because it was formed in October
13 2016 for the purpose of challenging an administrative land use decision.
14

15 5. ~~Some or all of~~ Plaintiff's claims are barred under the doctrines of
16 ~~laches, waiver, or unclean hands~~ because plaintiff and its members voluntarily
17 agreed to move out of the Firs Mobile Home Park.
18

19 6. ~~Plaintiff's claims are barred by applicable statutory definitions in~~
20 ~~the laws upon which plaintiff's claims are based because the complained of~~
21 ~~allegations are not within the scope of said statutes.~~
22

23 67. Plaintiff's claims are barred under *McDonnell Douglas Corp. v.*
24 *Green*, 411 U.S. 792 (1973), and its progeny because defendant possesses
25
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3 legitimate non-discriminatory grounds for all actions challenged by plaintiff
4
5 herein.

6 78. Plaintiff's claims are barred because they arise out of improper
7
8 claim splitting, circuitry of action, and the prior pending action styled *Medina et*
9 *al. v. City of SeaTac et al.*, King County Superior Court case number 17-2-
10 07094-7 KNT.

11 89. ~~Some or all of plaintiff's claims are barred by the applicable~~
12 ~~statute of limitations.~~ Claims under the Fair Housing Act arising from conduct
13
14 of the City alleged to have occurred prior to July 3, 2017, are barred by the
15
16 statute of limitations applicable to such claims. 42 U.S.C. § 3613(a). Claims
17
18 under the Washington Law Against Discrimination arising from conduct of the
19
20 City alleged to have occurred prior to July 3, 2016, are barred by the statute of
21
22 limitations applicable to such claims. RCW § 4.16.080(2).

23 940. Some or all of plaintiff's claims are not ripe because the City's
24
25 decision to approve the relocation plan is currently on appeal in *Medina et al.*
26
27 *v. City of SeaTac et al.*, King County Superior Court case number 17-2-07094-
28
29 7 KNT, and is therefore stayed pursuant to SMC § 15.465.600.H.2.g. Some or
30

all of plaintiff's claims are also not ripe because many HOA members continue to live at the Firs Mobile Home Park, which has not closed.

IX. Prayer for Relief

WHEREFORE, defendant having fully answered plaintiff's complaint and having asserted its affirmative defenses, prays as follows:

1. For dismissal of plaintiff's complaint with prejudice;
2. For an award of all reasonable costs and reasonable attorneys' fees incurred herein as may be recovered by applicable law;
3. For such other and further relief as the Court deems just and equitable.

DATED THIS ___st day of December, 2019.

s/ KENNETH W. HARPER
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DEFENDANT'S AMENDED ANSWER
AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 41

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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2019, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

V. Omar Barraza	omar@barrazalaw.com
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

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DEFENDANT'S **AMENDED** ANSWER
AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 42

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Appendix B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FIRS HOME OWNERS ASSOCIATION,

Plaintiff,

v.

CITY OF SEATAC, a Municipal
Corporation,

Defendant.

No. 2:19-cv-01130-RSL

**ORDER GRANTING MOTION
FOR LEAVE TO AMEND
DEFENDANT'S ANSWERS AND
AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT**

THIS MATTER HAVING COME BEFORE THE COURT upon defendant's motion for leave to amend defendant's Answers and Affirmative Defenses to First Amended Complaint (Dkt.#37).

The Court, having considered the motion, court file and records, finds good cause and hereby GRANTS defendant's motion.

Defendant shall file the Amended Answer and Affirmative Defenses to First Amended Complaint within three (3) days of the date of this Order.

The clerk is ordered to provide copies of this order to all counsel.

Dated this ____ day of _____, 2019

HON. ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

/s/KENNETH W. HARPER

WSBA #25578

/s/QUINN N. PLANT

WSBA #31339

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PROPOSED ORDER ON MOTION FOR LEAVE TO
AMEND DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES TO FIRST AMENDED
COMPLAINT - 2
(No. 2:19-cv-1130-RSL)

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